

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Bail Appl..No. 5101 of 2007()

CMP.2932/2007 of J.M.F.C.-II, CHENGANNUR
CRIME NO.93/07 OF MANNAR POLICE STATION
.....

PETITIONER : ACCUSED NO.1:

RAJAN NAIR @ RAJAN, S/O.KUNJUPANICKAN,
NILAVARASSERIL @ RAJA MANDIRAM, BUDHANUR
P/W XII, ENNAKKAD VILLAGE.

BY ADV. SRI.S.PRAKASH

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY P.P. SRIJAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

B.A. No. 5101 OF 2007

Dated this the 23rd day of August, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused. Altogether, there are 11 accused persons. The accused persons face allegations for offences punishable, inter alia, under Secs.326 and 307 read with Sec.149 of the IPC. The alleged incident took place on 7/4/07. The petitioner's wife is the licensee of a hotel. There was allegedly illicit sale of liquor in that hotel. Excise party had conducted a raid and effected arrest of the wife of the petitioner. The petitioner allegedly entertained a grouse against the victims in this case that it was they who passed on the information and facilitated the conduct of raid and arrest of the petitioner's wife. Because of such animosity, the petitioner, along with others, was member of an unlawful assembly of persons and the members of the said unlawful assembly armed with dangerous

weapons allegedly attacked the victims. There are five injured persons. Serious injuries have been suffered by the victims. The petitioner was arrested on 24/6/07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. It is prayed that bail may be granted to the petitioner who has been remaining in custody from 24/6/07. Some of the co-accused have already been released on bail, it is further pointed out.

3. The learned Public Prosecutor does not oppose the application; but prays that considering the criminal antecedents of the petitioner, who is involved in as many as 7 other cases, including abkari offences, appropriate and strict conditions may be insisted and imposed.

4. I have considered all the relevant inputs. I am satisfied that the petitioner can be enlarged on bail now subject to appropriate conditions.

5. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/-

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(Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) The petitioner shall not enter the Sessions Division of Alappuzha for the said period of three months, except for the purpose of complying with Condition No.(ii) above.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge